

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jonathan Sexton,

Plaintiff(s),

vs.

Jim Neil, et al.,

Defendant(s).

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Case Number: 1:14cv26

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on January 16, 2014 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired February 1, 2014, hereby ADOPTS said Report and Recommendation.

Accordingly, the complaint is **DISMISSED** for failure to state a claim upon which relief is granted to the extent that plaintiff (1) alleges defendant Neil is liable in his supervisory capacity for Jones' and Smucker's alleged misconduct during the February 9, 2013 incident; (2) challenges the disciplinary action that was taken against him at HCJC for his involvement in the February 9, 2013 incident; and (3) claims that the defendants are liable under § 1983 for their "negligence" in failing to protect him from inmate assault. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court